

REMARKS

Claims 1, 3, 4, and 8-12 are pending. Claims 1, 4, and 9 are independent claims. Claim 5 has been cancelled without prejudice. Claim 4 has been amended. No new matter has been introduced.

Allowable subject matter

Claims 1, 3, 8-10, and 12 are allowed. Claim 5 is indicated as being allowable if re-written in independent form and to overcome rejections under 35 U.S.C. § 112, 2nd paragraph (see below). This indication of allowed and allowable subject matter is acknowledged.

Claim 4 is amended to include the features recited in claim 5. Thus, amended claim 4 is claim 5 re-written in independent form. Further, as described below, the amendments to claim 4 obviate the rejections under 35 U.S.C. § 112, 2nd paragraph. Pursuant to the amendment, claim 5 is cancelled. Therefore, claim 4 is allowable.

35 U.S.C. § 112

Claims 4, 5 and 11 have been rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. The cancellation of claim 5 and the amendments to claim 4 obviate the rejections for the reasons that follow.

With respect to claim 5, the Office asserts that the feature “the upper limit” lacks antecedent basis. Amended claim 4 recites “when an increase of the load pressure of the actuator is detected by the first pressure sensor and/or when an increase of a traveling speed of the working vehicle is detected by the travel state detecting sensor, the communication opening area communicating between the accumulator and the pressure chamber of the ride control valve becomes smaller than an upper limit of the communication opening area.” (Emphasis added). Thus, the recitation “the upper limit” is replaced with the recitation “an upper limit.” Therefore, the antecedent basis

rejection is obviated. Accordingly, applicants respectfully request that the Office withdraw the rejections of claims 4 and 11 under 35 U.S.C. § 112, 2nd paragraph.

35 U.S.C. § 103

Claims 4, 5 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Saotome in view of Yamashita and Fertig. The amendments to the claim obviate the rejections for the following reasons.

As described above, amended claim 4 is claim 5 rewritten in independent form, which has been indicated as being allowable. Claim 5 has been cancelled. Claim 11 depends from amended claim 4. Thus, claims 4 and 11 are allowable. Accordingly, applicants respectfully request that the rejections of claim 4 and 11 under 35 U.S.C. § 103(a) be withdrawn.

Reconsideration and allowance of the above-referenced application is respectfully requested.

CONCLUSION

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

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Page : 9 of 9

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It is believed that no fee is due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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